

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 2002 - 0104

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR

WHEREAS:

1. The Executive Director is the State Water Resources Control Board (SWRCB or Board) exempt employee pursuant to California Constitution article 7, section 4, subdivision (e).
2. Pursuant to Water Code section 7, the Board is authorized to delegate authority to the Executive Director.

THEREFORE BE IT RESOLVED THAT:

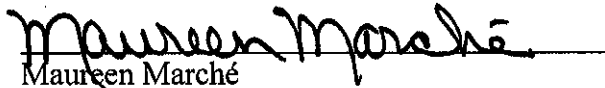
1. The Executive Director is delegated the authority to conduct and supervise the activities of the SWRCB.
2. Such activities include, but are not limited to, noticing Board meetings and hearings, management of the staff, meeting with other agency officials, implementation of the SWRCB's policies and regulations, meeting with Regional Water Quality Control Board (RWQCB) Executive Officers, approval of Clean Water Act section 205, subdivision (j)(2) project final products and grant closures, and the actions identified in 4 through 8, below.
3. Except as otherwise provided in 4 through 8 below, the Executive Director is specifically precluded from taking the following actions:
 - 3.1 Adopting regulations; except that emergency regulations, once adopted by the Board, may be revised or readopted by the Executive Director;
 - 3.2 Adopting state policy for water quality control;
 - 3.3 Adopting or approving water quality control plans or plan amendments;
 - 3.4 Any final action pursuant to Water Code section 13320, subdivision (c) finding that an RWQCB action was inappropriate or improper;
 - 3.5 Any final action closing a tank case or requiring closure of a tank case pursuant to Health and Safety Code section 25299.39.2; or

- 3.6 Adopting an order issuing or declining to issue a stay in a proceeding where the Board holds a hearing to consider a stay in connection with a petition, or the Board's review on its own motion, pursuant to Health and Safety Code section 25297.1, subdivision (h) or Water Code section 13320, subdivision (e).
4. The Executive Director may issue a final written determination on an appeal filed by a project applicant, under Public Resources Code section 71035.6, subdivision (e)(3).
5. The Executive Director may issue a decision or order by settlement of the parties under Government Code section 11415.60.
6. The Executive Director may set aside an SWRCB decision or order, in whole or in part, as commanded by a peremptory writ of mandate issued to the SWRCB.
7. The Executive Director may amend, modify, rescind, or revoke any permit, license, certificate, waste discharge requirements, decision, or order if an appellate court opinion published in the official reports establishes that the SWRCB has a ministerial duty to do so.
8. The Executive Director, after consultation with the Board Chairperson, may select the hearing officer for hearings and investigations covered under Water Code section 183.
9. The Executive Director may further delegate his or her functions, in writing, as the Executive Director deems appropriate.
10. In exercising the authority herein delegated, the Executive Director is directed, without restricting the authority specified, to bring the following matters to the attention of the members of the Board at workshop or by other appropriate communication:
 - 10.1 Matters of a unique or unusual nature;
 - 10.2 Matters that appear to depart from the policies of the Board;
 - 10.3 Matters involving significant policy questions;
 - 10.4 Highly controversial matters;
 - 10.5 Matters that involve a substantial risk of litigation;
 - 10.6 Any matter involving the execution of a contract or amendment thereto for which authority has not been expressly delegated by Board resolution;

- 10.7 Any matter that a Board Member requests to be brought to the attention of the Board; and
- 10.8 Any matter that, in the judgment of the Executive Director, should be brought to the attention of the Board.
11. The Board may revoke in whole or in part any specific or implied delegation to the Executive Director.
12. Board Resolution 99-048 is revoked.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 16, 2002.


Maureen Marché
Clerk to the Board